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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,787	01/04/2002	Mulham Bayassi	11345.046001	7267
22511	7590	01/11/2005	EXAMINER	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET HOUSTON, TX 77010			ENG, GEORGE	
		ART UNIT		PAPER NUMBER
		2643		

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/019,787	BAYASSI, MULHAM	
	Examiner George Eng	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 6-8,16-18,23,26-28,34-36,38 and 49-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 6-8,16-18,23,26-28,34-36,38 and 49-54 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2004 has been entered.

### ***Response to Amendment***

2. This Office action is in response to the amendment filed 9/7/2004.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-8, 23, 26-28, 34, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mandalia (US PAT. 6,636,890).

Regarding claim 23, Mandalia discloses a method of communicating with a mail center, i.e., Internet mail sever (50, figure 2) comprising running an email application on a receiver (74, figure 4), wherein the receiver is a receiver of broadcast signals and displaying with the receiver by means of the email application an email notification received in a broadcast signal at said receiver (col. 3 line 48 through col. 4 line 61).

Regarding claims 6-8, Mandalia discloses to store information relating to e-mail accounts at a central location, wherein information relating to e-mail accounts is linked to identifiers of receivers and smart card numbers of the receiver, and wherein the broadcast signal is part of a subscription service and information relating to e-mail account is linked to information relating to the subscription service (col. 4 lines 19-23 and lines 44-60).

Regarding claim 16, Mandalia discloses the broadcast signal being input from the Internet mail server (col. 4 lines 1-2) so that the broadcast signal is a digital data stream.

Regarding claims 26-28, the limitations of the claims are rejected as the same reasons set forth in claims 6-8.

Regarding claim 34, the limitations of the claim are rejected as the same reasons set forth in claim 16.

Regarding claim 38, the limitations of the claims are rejected as the same reasons set forth in claim 23.

Regarding claim 49, Mandalia discloses the broadcast being via cable or optical fiber (col. 3 lines 48-56).

Regarding claim 50, Mandalia discloses the email being sent without any prompt (col. 4 lines 42-61).

Regarding claim 52, the limitations of the claim are rejected as the same reasons set forth in claim 49.

Regarding claim 53, the limitations of the claim are rejected as the same reasons set forth in claim 50.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-18 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandalia (US PAT. 6,636,890) in view of Uchida et al. (US PAT. 6,327,610 hereinafter Uchida).

Regarding claims 17-18, Mandalia differs from the claimed invention in not specifically teaching the notification being sent as a section of the digital data stream by way of an entitlement management message. However, Uchida teaches a broadcast communication system for sending a portion of electronic mails with an access code, i.e., a notification, to an accepting station prior to transmission of a main body of electronic mail in order to prevent enormous traffic from concentrating on a part of a network at the time of data transmission (col. 6 line 62 through col. 9 line 13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mandalia in having the notification being sent

as a section of the digital data stream by way of an entitlement management message, as per teaching of Uchida, because it prevents enormous traffic from concentrating on a part of a network at the time of data transmission.

Regarding claims 35-36, the limitations of the claims are rejected as the same reasons set forth in claims 17-18.

7. Claims 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandalia (US PAT. 6,636,890) in view of Bosco (US PAT. 6,335,963).

Regarding claim 51, Mandalia differs from the claimed invention in not specifically teaching to request by the receiver for broadcast notification from the mail center of waiting emails. However, it is old and notoriously well known in the art of a user sending a request to the mail center for broadcast notification of waiting mails by registering the user with an e-mail service to be notified of a received e-mail, for example see Bosco (abstract and col. 3 line 41 through col. 4 line 64). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Mandalia in having requesting by the receiver for broadcast notification from the mail center of waiting emails, as per teaching of Bosco, in order to make user friendly of requesting e-mail notification service based upon user needs.

Regarding claim 54, the limitations of the claim are rejected as the same reasons set forth in claim 51.

***Response to Arguments***

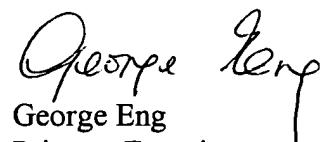
8. Applicant's arguments with respect to claims 6-8,16-18,23,26-28,34-36,38 and 49-54 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng  
Primary Examiner  
Art Unit 2643